

**15840. Adulteration and misbranding of olive oil. U. S. v. 18 Cartons of Olive Oil. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 22375. I. S. No. 20870-x. S. No. 429.)**

On January 17, 1928, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 cartons of olive oil, remaining unsold in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the J. R. Dagnino Co., Boston, Mass., on or about October 26, 1927, and transported from the State of Massachusetts into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Dag-ni-no's Extra No. 1 Pure Olive Oil \* \* \* Imported and bottled by J. R. Dagnino Co., \* \* \* Boston, Mass."

It was alleged in the libel that the article was adulterated in that sesame and cottonseed oil had been substituted in part for the said article and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements, (blown in bottle) "Extra Fine Olive Oil" and (carton) "Extra No. 1 Pure Olive Oil \* \* \* Guaranteed absolutely pure and is made of the best quality and choice olive fruit obtainable and we guarantee the purity of same under chemical analysis Imported," were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On February 17, 1928, the claimant having admitted all the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15841. Misbranding of blackberry jam, strawberry jam, raspberry jam, and lemon surprise, and alleged adulteration of blackberry jam, strawberry jam, and raspberry jam. U. S. v. 10 Cases of Blackberry Jam, et al. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 22783. I. S. Nos. 25443-x to 25446-x, incl. S. No. 810.)**

On May 17, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cases of blackberry jam, 4 cases of lemon surprise, 35 cases of strawberry jam, and 100 cases of raspberry jam at Forest Park, Ill., alleging that the articles had been shipped by the Curtis Corporation, from Long Beach, Calif., February 2, 1928, and transported from the State of California into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part: "Royal Delite Brand Blackberry Jam (or "Strawberry Jam" or "Raspberry Jam" or "Lemon Surprise") Net Contents 3 pounds, Royal Preserving Co., South Pasadena, California."

It was alleged in the libel that the articles were misbranded in that the statement on the labels, "Net Contents 3 Pounds," was false and misleading and deceived the purchaser. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages in terms of weight or measure.

Adulteration was alleged with respect to the blackberry jam, strawberry jam, and raspberry jam for the reason that a substance, pectin and citric acid, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said articles.

On June 29, 1928, the Royal Preserving Co., South Pasadena, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the products misbranded in that the statements, "Net Contents 3 Pounds," were false and misleading and deceived and misled the purchaser in that the articles were in package form and the quantity of the contents was not clearly and conspicuously marked on the outside of the package, and in that the statements, "Strawberry Jam," "Blackberry Jam," and "Raspberry Jam," were false and misleading and deceived and misled the purchaser when applied to jams containing added pectin and fruit